



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jay S. WALKER et al.)

For: METHOD AND APPARATUS FOR)
FACILITATING THE SALE OF)
SUBSCRIPTIONS TO PERIODICALS)

Serial No.: 09/260,437)

Filing Date: March 2, 1999)

Examiner: Not Yet Assigned

Group Art Unit: 2761

Docket No.: WD2-98-116

Assistant Commissioner for Patents
Washington, D.C. 20231

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TRANSMITTAL LETTER

Sir:

Group 2700

Applicants hereby submit the following documents for the above-identified patent application:

1. Supplemental Information Disclosure Statement;
2. Form PTO-1449;
3. Copy of thirty-three (33) references cited therein; and
4. Return Receipt Postcard.

The Commissioner is hereby authorized to charge \$ 0.00 to Deposit Account No. 50-0271 for the fees required for the enclosed Information Disclosure Statement. The Commissioner is further authorized to charge any further required fees, or to credit any overpayment, to Deposit Account No. 50-0271. A duplicate copy of this authorization is attached for such purpose.

Respectfully submitted,


Dean AlderucciAttorney for Applicants
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May 25, 1999

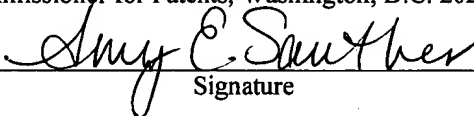
Date

Certificate of Mailing

I hereby certify that this correspondence is being sent via first class mail in an envelope with sufficient postage addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on May 25, 1999.

Amy E. Sauter

Name of Person Making Deposit



Signature

May 25, 1999

Date



THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Group 2700

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

- A. U.S. Patent 3,890,461 entitled "TICKET OPERATED SUBSCRIPTION TELEVISION RECEIVER," issued to Joseph H. Vogelmann et al. on June 17, 1975.
- B. U.S. Patent 4,276,598 entitled "ELECTRONIC CASH REGISTER INCLUDING MEANS FOR PRODUCING PRINTED VALIDATION DATA," issue to Haruhiko Inoue et al. on June 30, 1981.
- C. U.S. Patent 4,484,217 entitled "METHOD AND SYSTEM FOR REMOTE REPORTING, PARTICULARLY FOR PAY TELEVISION BILLING," issued to Robert S. Block et al. on November 20, 1984.
- D. U.S. Patent 4,833,609 entitled "ERC WITH OPERATOR PROMPTING FOR ENTERING QUANTITY OF SELECTED MULTI-ITEM PACKAGED GOODS," issued to James M. Grulke, Jr. on May 23, 1989.
- E. U.S. Patent 4,947,028 entitled "AUTOMATED ORDER AND PAYMENT SYSTEM," issued to Jonathan M. Gorog on August 7, 1990.
- F. U.S. Patent 4,984,155 entitled "ORDER ENTRY SYSTEM HAVING CATALOG ASSISTANCE," issued to Raymond R. Geier et al. on January 8, 1991.
- G. U.S. Patent 5,235,415 entitled "DEVICE FOR THE INTELLIGIBLE CONSULTATION OF DATA RELATING TO THE FEES PROGRAMS OF A SUBSCRIPTION TELEVISION AND/OR RADIO SERVICE," issued to Pierre Bonicel et al. on August 10, 1993.
- H. U.S. Patent 5,413,341 entitled "EQUIPMENT FOR, AND METHODS OF PLAYING, A PRIZE DRAWING GAME OF CHANCE," issued to Leon Lieberman on May 9, 1995.
- I. U.S. Patent 5,521,364 entitled "PRODUCT-SELLING-DATA PROCESSING APPARATUS HAVING FUNCTION FOR ADMINISTERING SALES OF ARTICLE SOLD BY THE BUNDLE AND ITS METHOD," issued to Yoshiharu Kimura et al. on May 28, 1996.
- J. U.S. Patent 5,528,490 entitled "ELECTRONIC CATALOG SYSTEM AND METHOD," issued to Charles E. Hill on June 18, 1996.

- K. U.S. Patent 5,544,040 entitled "SYSTEM FOR MANAGEMENT OF COMMON PURCHASE OPERATIONS FOR GOODS AND SERVICES," issued to Jean-Pierre Gerbaulet on August 6, 1996.
- L. "MAGAZINE SUBSCRIPTION SALES CENTER," Interactive Magazine Sales, Inc., Advertisement.
- M. Howland, Jennifer. "NATIONAL DISTRIBUTORS: SCANNING THE FUTURE," Folio: The Magazine for Magazine Management, Vol. 14, Pg. 69, February 1985.
- N. Wood, Wally. "CIRCULATION MARKETING: LET YOUR MAGAZINE DO THE SELLING," Folio: The Magazine for Magazine Management, Vol. 14, Pg. 78, June 1985.
- O. Reese, Diane. "REVITALIZING SINGLE-COPY SALES," Folio: The Magazine for Magazine Management, Vol. 15, Pg. 84, February 1986.
- P. Joyce, Walter. "MUSCULAR MERCHANDISING; COLUMN," Folio: The Magazine for Magazine Management, Vol. 15, Pg. 124, June 1986.
- Q. Donaton, Scott. "GIFT SUBSCRIPTIONS FIND RETAIL NICHE," Advertising Age, News Section, Pg. 37, July 16, 1990.
- R. Jaben, Jan. "MAGAZINE GIFT-GIVING MADE SIMPLE AT RETAIL OUTLETS; TIME INC., HEARST, MEREDITH TEST SUBSCRIBER SYSTEMS' METHOD OF SELLING GIFT SUBSCRIPTIONS; NEWS," Folio's Publishing News, Vol. 3, No. 2, Pg. 15, February 15, 1991.
- S. "THE SUPER SUBS," Precision Marketing, No. 0, Vol. 0, Pg. 23, October 24, 1994.
- T. Cyr, Diane. "DISTRIBUTION WOES; DECLINING NEWSSTAND CIRCULATION; INCLUDES RELATED ARTICLE ON PREVENTING NEWSSTAND FRAUD," Folio: The Magazine for Magazine Management, Vol., 23, No. 19, Pg. 170, January 1995.
- U. Schnuer, Jenna. "OVERNIGHT OPTIONS ADD TO DISTRIBUTION MIX; DISTRIBUTION OF 'INSIDE SPORTS' MAGAZINE," Folio: The Magazine for Magazine Management, Vol. 24, No. 4, Pg. 19, March 1, 1995.

- V. Hochwald, Lambeth. "POSTAL BLUES: CIRCULATORS COPE WITH THE RATE CRUNCH," Folio: The Magazine for Magazine Management, Vol. 24, No. 8, Pg. 54, May 1, 1995.
- W. "TRETORN OFFERS MAGAZINE PROMO," Adweek, New England Edition, May 1, 1995.
- X. Wilson, Steve. "OUT OF PRINT – BUT NOT BUSINESS; MAGAZINES MOVE AWAY FROM PRINT IN FAVOR OF ELECTRONIC PUBLISHING," Folio: The Magazine for Magazine Management, Vol. 24, No. 8, Pg. 22, May 1, 1995.
- Y. "LOTTOWORLD," Mediaweek, Vol. 5, No. 19, Pg. 16(1), May 8, 1995.
- Z. Miller, Paul. "MAGAZINE DEAL LACKS CATALOG APPEAL; BRIEF ARTICLE," Folio: The Magazine for Magazine Management, Vol. 24, No. 11, Pg. 30, June 15, 1995.
- AA. Graham, Anne. "NONMEMBER SUBS – OR NOT? NONMEMBER SUBSCRIPTIONS TO ASSOCIATION MAGAZINES; INCLUDES TIPS FROM PUBLISHERS," Folio: The Magazine for Magazine Management, Vol. 24, No. 10, Pg. 47, June 1, 1995.
- BB. Garratt, David. "WHAT PREMIUM ON ON-COVER PREMIUMS?" Folio: The Magazine for Magazine Management, Vol. 24, No. 16, Pg. 53, October 1, 1995.
- CC. Wilson, Steve. "DIRECTORY ASSISTANCE: A BUYER'S GUIDE CAN GIVE YOU A BIG BOOST IN REVENUE AND ATTRACT NEW ADVERTISERS AND SUBSCRIBERS," Folio: The Magazine for Magazine Management, Vol. 24, No. 16, Pg. 40, October 1, 1995.
- DD. "HFS INCORPORATED AND HACHETTE FILIPACCHI MAGAZINE; ANNOUNCE LAUNCH IF CENTURY 21 HOUSE & HOME MAGAZINE; NO. 1 REAL ESTATE COMPANY AND LEADING PUBLISHER OF HOME-RELATED MAGAZINES TO USE UNPARALLELED CENTURY 21® BRAND AWARENESS AND CUSTOMER BASE IN DEVELOPING MAGAZINE WITH BROAD CONSUMER APPEAL; LATEST IN SERIES OF CENTURY 21," Business Wire, November 20, 1995.

- EE. Hochwald, Lambeth. "CIRCULATION SECRETS: NINE STEPS TO A SUCCESSFUL CIRCULATION LAUNCH STRATEGY; INCLUDES LIST OF RESOURCES," Folio: The Magazine for Magazine Management, Vol. 25, No. 2, Pg. 53, February 1, 1996.
- FF. Kerwin, Ann Marie. "NOTABLY AT THE NEWSSTAND: INSTYLE, FINANCIAL WORLD PUSH FOR GREATER SINGLE-COPY SALES," Inside Media, Vol. 8, No. 3, Pg. 26, February 7, 1996.
- GG. Schnuer, Jenna. "A WORLD WITHOUT MAGAZINES? CONSUMERS WEIGH IN; SURVEY OF CONSUMERS INDICATES THAT MAGAZINES ARE MOST DISPENSABLE FORM OF COMMUNICATION FOR 37% OF RESPONDENTS," Folio: The Magazine for Magazine Management, Vol. 25, No. 9, Pg. 16, June 1, 1996.

1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. _____, filed _____.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☐ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
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The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
 - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
 - ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
6. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a

final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.

7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
 - b. the attached petition requesting consideration of this Information Disclosure Statement; and
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
 - ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
 - ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.
10. ☐ I hereby certify:
- ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent

office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

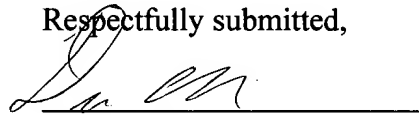
- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

11. ☐ Please accept payment of the fees due as indicated below:

- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

Respectfully submitted,



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May 25, 1999

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